

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION**

FRANCISCAN ALLIANCE, INC., *et al.*,

*Plaintiffs,*

v.

No. 7:16-cv-00108

THOMAS E. PRICE, M.D.<sup>1</sup>, Secretary  
of Health and Human Services, *et al.*,

*Defendants.*

**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO ANSWER OR OTHERWISE RESPOND TO THE COMPLAINT**

Defendants respectfully seek a ninety-day extension of time to answer or otherwise respond to the operative complaint. At present, Defendants' deadline to answer or otherwise respond is March 1, 2017, *see* Order (January 24, 2017), ECF No. 69. The extension sought would extend that deadline to May 2, 2017, which would provide opportunity for new leadership at the Department of Health and Human Services to become familiar with the issues in this case. Pursuant to Local Rule of Civil Procedure 7.1.a., the undersigned counsel consulted with counsel for Plaintiffs, who represented that Plaintiffs consent to the requested extension.

Based on the foregoing, Defendants respectfully request that their unopposed motion for an extension of time be granted.

---

<sup>1</sup> Thomas E. Price, M.D., Secretary of Health and Human Services, "is automatically substituted as a party" for Sylvia Burwell. Fed. R. Civ. P. 25(d).

DATED: February 24, 2017

CHAD A. READLER  
Acting Assistant Attorney General

JENNIFER D. RICKETTS  
Director, Federal Programs Branch

SHEILA M. LIEBER  
Deputy Director, Federal Programs Branch

*/s/ Emily B. Nestler*  
EMILY BROOKE NESTLER  
ADAM GROGG  
BAILEY W. HEAPS  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Ave. NW  
Washington, DC 20530  
phone: (202) 616-8489  
fax: (202) 616-8470  
email: emily.b.nestler@usdoj.gov

*Counsel for Defendants*

**CERTIFICATE OF CONFERENCE**

I hereby certify that on February 23, 2017, the undersigned counsel consulted with counsel for the Plaintiffs, Austin R. Nimocks, who represented that Plaintiffs consent to the requested extension.

/s/ *Emily B. Nestler*  
Emily B. Nestler

**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2017, a copy of the foregoing Unopposed Motion for Extension of Time to Answer or Otherwise Respond to the Complaint was filed electronically via the Court's ECF System, which effects service upon counsel of record.

/s/ *Emily B. Nestler*  
Emily B. Nestler